

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRENCE BUCHANAN and
ISAAC TORRES,

Plaintiff,

v.

ORDER

Case No. 16-cv-572-wmc

SHERIFF DAVE MAHONEY, ET AL.,

Defendants.

Pro se plaintiffs Isaac Torres and Terrance Buchanan are proceeding in this lawsuit against defendants, various Dane County Jail employees, related to the conditions at the Dane County Jail. On February 4, 2019, defendants filed a motion to dismiss plaintiff Terrance Buchanan's claims, or to compel discovery (dkt. #49) along with supporting documents (dkt. ##50, 51). According to defendants, Buchanan has neither responded to their motion for summary judgment on exhaustion grounds, nor has he responded to their July, August and October 2018 communications asking him to sign medical record authorization forms. Given that Buchanan claims that the conditions at the jail have had an adverse impact on his health, defendants' discovery request is reasonable. His failure to respond to defendants' discovery requests, coupled with his continued failure to respond to defendants' motion or submit any other filings indicating that he intends to actually oppose it, suggest that he may have abandoned this lawsuit. Indeed, while Torres may be actively responding to defendants' discovery requests, Buchanan is still obligated to prosecute his claims and respond to defendants' reasonable discovery requests.

Accordingly, the court will give Buchanan one chance to keep his claims alive: not later than February 22, 2019, Buchanan must (1) respond to defendants' motion for summary judgment (dkt. #32), and (2) return a signed medical records release to defendants' attorney. Buchanan's failure to follow these directives will likely cause the court to dismiss his claims from his lawsuit for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Finally, to accommodate the delay caused by Buchanan's failure to respond to defendants, the court is extending defendants' expert disclosure deadline to April 1, 2019, and the dispositive motion deadline to April 15, 2019.

ORDER

IT IS ORDERED that:

1. Plaintiff Terrance Buchanan may have until **February 22, 2019**, to file a response to defendants' motion for summary judgment and return a signed medical records release to defendants' attorney. **If Buchanan does not respond by that date, the court will dismiss Buchanan's claims with prejudice under Federal Rule of Civil Procedure 41(b) for Buchanan's failure to prosecute it.**
2. Defendants' expert disclosure deadline is now April 1, 2019, and the dispositive motion deadline is now April 15, 2019.

Dated this 5th day of February, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge